IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.998 OF 2005

Sudhir K. Sethna & anr. ..Petitioners.

Vs.

Special Land Acquisition Officer

& Ors. ..Respondents.

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Mr.N.H.Seervai i/b M/s.Harish Shroff & Co. for the Petitioners.

Mr.G.W.Mattos, AGP for the State.

Mr.P.G.Karande for Respondent No.3.

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CORAM : DR.D.Y.CHANDRACHUD, J.

25th April, 2005.

P.C. :

1. The grievance of the Petitioners arises out of a non-disclosure of documents in the course of acquisition proceedings under Chapter 8-A of the Maharashtra Housing and Area Development Act, 1976. The prevision Petition was disposed of by Mr. Justice F.I.Rebello on 30th March, 1998 (WP 576 of 1998). By the order of the Court the Petitioners

were granted liberty to apply before the Special Land Acquisition Officer for inspection and copies of documents inter alia relating to the structural condition of the building. The Special Land Acquisition Officer was directed to deal with and dispose of the application by making copies available to the Petitioners of the aforesaid documents at their own costs.

2. The contention of the Petitioners is that certain specific documents which were crucial to their case have not been disclosed. In pursuance of the hearing which was taken place before the Court in these proceedings, the learned AGP has produced the entire file of the proceedings before the Executive Engineer D-1 Ward pertaining to the repairs which were carried out to the building in question. The Learned AGP has agreed on instructions to furnish inspection to the advocate appearing on behalf of the Petitioners during the course of the day. The Petitioners will be given copies of such documents as they desire after inspection of the file is complete including i) the final certificate issued by the architect on 19th November, 1993 and ii) the letter of the Executive

Engineer, D-Ward to the Municipal Corporation of Greater Mumbai dated 25th October, 1993.

3. Counsel for the Third Respondent has also stated before the Court that his client would furnish to the Petitioners within a period of two weeks from today such documents as are in their possession and custody relating to the work of repairs and maintenance that has been carried out by the Third Respondent after the formation of the association in 1986. In the circumstances, it is not necessary to keep the Petition pending since the proceedings are still to be completed before the Special Land Acquisition Officer.

4. All the rights and contentions of the parties including the challenges of the Petitioners to the acquisition proceedings are kept open to be urged at the appropriate stage and should it become necessary for the Petitioners to do so. The Petitioners would be at liberty to file further replies or additional objections before the Special Land Acquisition Officer within a period of four weeks from today. The proceedings before the Special Land Acquisiton Officer shall commence on

or after 6th June, 2005.

The Petition is accordingly disposed of.